

# UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

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In Re Applications of:	)	MM Docket No. 99-153
	)	
READING BROADCASTING, INC.	)	File No.: BRCT-940407KF
	)	
For Renewal of License of	)	
Station WTVE(TV), Channel 51	)	
at Reading, Pennsylvania	)	
	)	
and	)	
	)	
ADAMS COMMUNICATIONS	)	File No.: BPCT-94063KG
CORPORATION	)	
	)	
For Construction Permit for	)	
a New Television Station to	)	
Operate on Channel 51,	)	
Reading, Pennsylvania	)	

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Date: July 25, 2000

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Before the  
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Washington, D.C. 20554

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Room TW-A363  
FCC  
445 12th Street, N.W.  
Washington, D.C. 20554

Tuesday,  
July 25, 2000

The parties met, pursuant to the notice of the  
Judge, at 1:09 p.m.

BEFORE: HONORABLE RICHARD L. SIPPEL  
Administrative Law Judge

APPEARANCES:

On Behalf of Reading Broadcasting, Inc.:

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APPEARANCES: (Continued)

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On Behalf of the Federal Communications  
Commission:

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I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	VOIR <u>DIRE</u>
Micheal L. Parker		--			

Enforcement Bureau:

1	(Prev.)	--
2		--

P R O C E E D I N G S

(1:09 p.m.)

JUDGE SIPPEL: Okay, we are on the record.

This is the afternoon session, July 25, return of  
Mr. Parker.

I'm going to take appearances again. On behalf of  
Reading?

MR. HUTTON: Thomas Hutton and Dennis Southard.

JUDGE SIPPEL: And on behalf of Adams?

MR. COLE: Harry Cole.

JUDGE SIPPEL: And the Bureau?

MR. SHOOK: James Shook.

JUDGE SIPPEL: I've got -- I just want to go over  
a checklist of things that I expect are going to happen  
today, and then I'm going to ask if there are any other  
preliminary matters that anybody else has, and then we're  
going to get through Mr. Parker.

First, of course, there is Mr. Parker's testimony,  
we are going to consider receiving Exhibit 1 into evidence,  
which has been marked for identification; a stipulation from  
the Bureau on testimony, or not from the Bureau, but a  
stipulation with respect to Bureau testimony; is that ready  
to go?

MR. COLE: We are ready to roll, Your Honor.

JUDGE SIPPEL: Sanitized exhibit from the

1 Telemundo testimony?

2 MR. SHOOK: I reviewed the exhibit in question,  
3 and reviewed the testimony. It turns out there were only  
4 two pages that were not referred to at all, and those two  
5 pages had material on it that so far as I can see no one is  
6 going to make any use out of it. So I'm not even going to  
7 bother to submit the motion. I mean, the exhibit can come  
8 in as it is and people can make whatever use of it they can  
9 in accordance with Your Honor's ruling.

10 JUDGE SIPPEL: All right. I don't recall, did I  
11 receive that into evidence subject to striking it or  
12 replacing it, or does it -- is it just marked but not  
13 received?

14 MR. SHOOK: So far as I recall, Your Honor, it is  
15 received.

16 JUDGE SIPPEL: That's what my recollection is, but  
17 I don't have my notes with me.

18 All right. Well, if it's not, then I will take  
19 whatever I need to do appropriately to be sure that it is in  
20 as an exhibit, but my recollection is that it is an exhibit.

21 All right, then, let me strike that item.

22 MR. COLE: Excuse me, Your Honor. Is that Exhibit  
23 No. 52, Reading 52?

24 JUDGE SIPPEL: Sound like that.

25 MR. SHOOK: Yes.

1           MR. COLE: According to my notes, and I'm just  
2 reading from my notes, and I don't have anything more  
3 reliable than that, it says, "Exhibit 52 to be redacted by  
4 Bureau. Can we move that in on July 17? Okay, with Mr.  
5 Shook." So that may not have been moved in. I don't know  
6 if you want to just take the precautionary measure of moving  
7 it in now. I certainly have no objection to that.

8           JUDGE SIPPEL: Let me see what I have. This is a  
9 Reading exhibit, is that correct?

10          MR. SHOOK: Yes.

11          MR. SOUTHARD: Your Honor, it's my recollection  
12 that it was entered into evidence subject to a further  
13 motion. And as I understand it now, Mr. Shook is not going  
14 to make that further motion.

15          JUDGE SIPPEL: This is Ms. Swanson's notes, right.  
16 Yes, my notes, I do now that you have given me the exhibit  
17 number, I do have my exhibit log with me, and it's been  
18 received into evidence.

19          MR. COLE: Thank you.

20          JUDGE SIPPEL: Okay, thank you very much.

21          The only thing left then is the dates for proposed  
22 findings and conclusion. Have counsel discussed this  
23 amongst themselves? Do you have a time frame in mind?

24          MR. SHOOK: We have not, Your Honor, and as a  
25 matter of fact, I guess I was hoping that before Your Honor

1 appeared that some discussions might happen, and they  
2 didn't.

3 JUDGE SIPPEL: They didn't.

4 MR. SHOOK: So it's up to Your Honor at this point  
5 to set the dates and we all have to go with it.

6 JUDGE SIPPEL: Anybody else have a comment on  
7 that? I had some dates which I feel are generous, but does  
8 anybody else have something specific in mind with this  
9 because I want to leave here today with something  
10 definitive?

11 MR. COLE: My only concern, Your Honor, is I'm  
12 scheduled to be out of two for two weeks in August, which I  
13 don't know if that affects the generosity.

14 JUDGE SIPPEL: Well, I have allowed for something  
15 like that. I don't know if it's enough. But you are going  
16 to be gone for two weeks?

17 MR. COLE: I'll be gone for two weeks, yes.

18 JUDGE SIPPEL: All right. Does anybody else want  
19 to --

20 MR. HUTTON: I would just like to note that we do,  
21 and I and Mr. Southard have other obligations that are going  
22 to consume a certain amount of time.

23 JUDGE SIPPEL: For other clients?

24 MR. HUTTON: Yes.

25 JUDGE SIPPEL: Well, they can wait, can't they?

1 (Laughter.)

2 MR. HUTTON: They have been waiting quite awhile.

3 JUDGE SIPPEL: All right.

4 MR. SHOOK: I have a week and a half where I will  
5 be gone and probably some additional time for a soccer  
6 tournament.

7 MR. SOUTHARD: I will also be out for probably a  
8 week in August.

9 JUDGE SIPPEL: There is nothing you can do. You  
10 can't fight August.

11 (Laughter.)

12 JUDGE SIPPEL: It's there.

13 Well, I was going to say September the 14th, but  
14 what about September the 25th, which is a Monday? And the  
15 reply pleading to come in on October the 20th, which is a  
16 Friday.

17 Now, I know that there is a pending motion to add  
18 additional issues against Adams, and I'm going to consider  
19 after the round of pleadings is completed, I will consider  
20 that very carefully. In the event that issue is added,  
21 there will have to be, of course -- I've lost track of the  
22 phase numbers. That will be Phase 4 or Phase 5. And then I  
23 would require supplemental proposed findings on that issue.  
24 And the reason is I'm just not going to let this slide any  
25 further with respect to the main case that we have been

1 dealing with since January because it's just going to get  
2 stale, and it just can't wait any longer.

3 That's the long and short of what I have. Does  
4 anybody else have anything more?

5 MR. SHOOK: Yes, Your Honor. Relative to the  
6 motion that Reading had filed, I understand that Adams will  
7 respond, and then there would be a period of time  
8 afterwards, and then we would respond to both essentially.

9 Is that what Your Honor had in mind?

10 JUDGE SIPPEL: I thought I had -- didn't I give  
11 dates on that?

12 MR. SHOOK: I think you did. I'm just confirming  
13 that.

14 JUDGE SIPPEL: That's what I wanted to do.

15 MR. COLE: I don't recall that there was a  
16 separate day for Mr. Shook, but it certainly wouldn't  
17 surprise me. I know I had a date.

18 JUDGE SIPPEL: Well, okay, I'm with you on that.  
19 I don't specifically recall that I broke it down, but that's  
20 been the way that we have generally proceeded here, and it  
21 certainly is the most helpful for me to get the Bureau's  
22 comments after all the round of pleadings are in. But I  
23 thought -- yes?

24 MR. SHOOK: All I am asking at this point is with  
25 that in mind, if I could have five business days after Mr.

1 Cole submits his response.

2 MR. COLE: And on that point, Your Honor, I spoke  
3 with Mr. Hutton this morning. I thought I would ask on the  
4 record today if I could have a four business day extension  
5 from next Monday to next Friday. The opposition is done on  
6 the 31st, Monday, and I would just like to take until  
7 Friday, if I could. Mr. Hutton had no objection, was kind  
8 enough to consent, and I didn't have a chance to ask Mr.  
9 Shook about that.

10 MR. SHOOK: And then that would make my pleading  
11 the following Friday.

12 JUDGE SIPPEL: All right, then that would -- let  
13 me see if I have this straightened out here.

14 August the 4th will be the opposition. Now, wait  
15 a minute. Who is asking for this issue? You are asking for  
16 this issue, so you have to have reply time.

17 MR. HUTTON: That's right.

18 JUDGE SIPPEL: So you are going to oppose on the  
19 4th.

20 MR. SHOOK: Oh, you wish me to wait until they  
21 have responded, until Reading has responded?

22 JUDGE SIPPEL: Yes, I would.

23 MR. SHOOK: Oh.

24 JUDGE SIPPEL: Yes, I would.

25 Is there an objection to that?

1 MR. SHOOK: No, sir. Just so long as we all  
2 understand how it's going to work.

3 JUDGE SIPPEL: I would like to Bureau to take a  
4 look at it in its -- the full deck, and the comment on it.  
5 So August 4th is the opposition. Then what do you need for  
6 a reply? I'm going to be generous to your other clients.  
7 But not too generous. How much time do you need?

8 MR. HUTTON: Two weeks?

9 JUDGE SIPPEL: Wow. I shouldn't have asked that  
10 one.

11 MR. HUTTON: Well, it's normally five business  
12 days plus three -- well, five business days. And I'm  
13 suggesting 10 business days.

14 JUDGE SIPPEL: All right. I will give you until  
15 August the 18th. And then Mr. Shook has August the 25th.

16 MR. SHOOK: The 18th is --

17 JUDGE SIPPEL: He said he wants two weeks.

18 MR. SHOOK: Right. The only thing is that I'm out  
19 of the office from -- I'm out of the office Monday, August  
20 13, and I don't return to the office until the following  
21 Wednesday. So if I could have five business days from the  
22 first day I get back.

23 JUDGE SIPPEL: Sure. You're getting back on what  
24 day? The 4th? Oh, I see. You want five business --

25 MR. SHOOK: I'm getting back on the 22nd, which is

1 a Wednesday, I believe. So if I could have until the  
2 following Wednesday, the 29th.

3 JUDGE SIPPEL: The 29th. The following Wednesday  
4 is the 30th.

5 MR. SHOOK: Okay, whatever that day is, the 30th.

6 JUDGE SIPPEL: All right, give you until August  
7 30th. Well, that takes care of the month of August  
8 certainly. Well, I think, under the circumstances it's  
9 reasonable, as long as we understand clearly, and we do  
10 understand clearly, that that is not going to delay the  
11 proposed findings coming in on the 25th.

12 All right, then that's it. Is there anything  
13 else?

14 MR. COLE: Would you rather do the stipulation now  
15 or at the end?

16 JUDGE SIPPEL: I think I would rather wait until  
17 the end. Is that alright? Does anybody have any problem  
18 with that? There is nothing in the stipulation that is  
19 going to bear on this testimony.

20 MR. COLE: No.

21 JUDGE SIPPEL: Okay, let's go forward. Let's have  
22 Mr. Parker come forward.

23 Would you raise your right hand?

24 //

25 //

1                   Whereupon,

2                                   MICHEAL L. PARKER

3                   having been duly sworn, was called as a witness  
4                   and was examined and testified as follows:

5                   JUDGE SIPPEL: Be seated.

6                   MR. HUTTON: Your Honor, one preliminary matter  
7                   that I wanted to raise, and that is that in the course of  
8                   questioning Mr. Parker about Enforcement Bureau Exhibit 1,  
9                   there may come up some questions about Mr. Topel's role and  
10                  any advice Mr. Topel gave.

11                  I have no objection to any such questions if we  
12                  can agree that today's testimony would not constitute a  
13                  waiver of the attorney/client privilege by Reading  
14                  Broadcasting.

15                  JUDGE SIPPEL: Has there been any discussion  
16                  before about this?

17                  MR. HUTTON: No, we have not specifically raised  
18                  this with the other parties. We just focused on this this  
19                  morning.

20                  JUDGE SIPPEL: All right. Well, let me ask the  
21                  Bureau what the Bureau thinks.

22                  MR. SHOOK: Your Honor, I hope that most, if not  
23                  all, of my questions are simply focusing on Mr. Parker's  
24                  understanding and Mr. Parker's intent. I don't have any  
25                  intention of inquiring about anybody else's intent,

1 especially one of his attorneys. If it happens to come out  
2 in testimony, so be it, but that's not where I intend to go.

3 JUDGE SIPPEL: Well, I think the scenario, the  
4 scenario I would envision would be to ask him a question  
5 about something that's in the document with respect to his,  
6 you know, in whatever context, whether he wrote it or agreed  
7 with it or whatever, and then in the context of answering  
8 that Mr. Topel comes up, and you would have no objection to  
9 that.

10 Well, I'm sorry. I phrased that the wrong way.  
11 You would stipulate that for purposes of today's proceeding,  
12 it would not constitute a waiver of the privilege, the  
13 question he's asking.

14 Do you want to think a little bit and then --

15 MR. SHOOK: Well, with respect to the particular  
16 answer to the particular question, I would think that it  
17 would be available as evidence regardless of whether Mr.  
18 Topel's name was mentioned.

19 JUDGE SIPPEL: He is concerned about a waiver.  
20 That's what this is all about.

21 MR. SHOOK: Well, in terms of in the future trying  
22 to get something further or develop something further as a  
23 consequence of Mr. Topel's name or advice being mentioned in  
24 today's testimony, I have no current intention of seeking  
25 anything with respect to that.

1 I intend to ask questions of this witness today,  
2 and let it rest with whatever comes out today.

3 JUDGE SIPPEL: Mr. Cole.

4 MR. COLE: Your Honor, I am very uncomfortable  
5 contemplating declaratory evidence rulings. My  
6 understanding of evidentiary rulings is that there is a  
7 specific question on the table, and before an answer comes  
8 out either an objection is made or a privilege is asserted.  
9 And at that point, in the context of whatever the specific  
10 question and likely answer are Your Honor can make a ruling.

11 I, frankly, don't understand the notion of  
12 contemplated testimony about attorney/client communications  
13 which are then supposed to be covered by an anticipatory  
14 waiver. My understanding has been that if the witness  
15 wishes to assert the privilege, well, that's the witness's  
16 right to do. But if on the other hand the witness testifies  
17 about otherwise privileged communications, that's the  
18 witness's call because it's the witness's privilege and the  
19 witness can waive it. And if the witness chooses to testify  
20 about it, then the witness has waived it.

21 Now, if Mr. Hutton is -- again, I'm not sure I  
22 understand the complete scope of Mr. Hutton's request. If  
23 he is suggesting that actual testimony about attorney/client  
24 communications which is given in court today may be deemed  
25 after the fact privileged and somehow immune from, and I'm

1 not sure what the result of a post-hoc privilege would be,  
2 then I object to that.

3 If what he has in mind some concern about the  
4 long-term effect of testimony, for example, Mr. Parker might  
5 testify about X, Y or Z communication with Mr. Topel, if Mr.  
6 Hutton is concerned about that being deemed at some future  
7 point a waiver of all privilege relative to any  
8 communication between Topel and Parker, well, I can  
9 certainly understand that, and I can agree that waivers for  
10 today's purposes would not necessarily constitute a blanket  
11 waiver of all attorney/client privilege with respect to  
12 Topel/Reading communications.

13 But obviously, you know, as I said in my opening  
14 statement, you know, I'm uncomfortable taking a fixed  
15 position on this at this point because I don't know, you  
16 know, where the evidence is going to go, what the questions  
17 are going to be, where the privilege may or may not be  
18 asserted and what the ultimate effect may be.

19 So I apologize for not taking a hard stand in  
20 front of Your Honor, but those are my thoughts right now.

21 JUDGE SIPPEL: You want to respond to this, Mr.  
22 Hutton?

23 MR. HUTTON: Well, it just seems to me that if Mr.  
24 Cole could agree with Mr. Shook's position, that would  
25 probably be satisfactory. If he can't or won't, then I

1 think I'll just have to caution the witness to bear in mind  
2 the risk of disclosing attorney/client confidences in  
3 responding to questions.

4 I think Mr. Cole's position -- well, I hadn't  
5 anticipated that there would be any broad-base waiver of the  
6 attorney/client communications between Mr. Topel and Mr.  
7 Parker. It had to do with communications relating to the  
8 preparation of this letter. And if Mr. Cole is not willing  
9 to agree that such testimony today would not be deemed a  
10 waiver, then again I would just have to caution the witness  
11 to bear that in mind in responding to questions.

12 JUDGE SIPPEL: Well, I think we are just going to  
13 have to take this one step at a time. I mean, I think you  
14 are going to have to make a -- the witness is going to have  
15 to make a concerted decision if there is an objection  
16 because of an attorney/client privilege, then the witness is  
17 going to have to be asked whether or not he's going to  
18 assert the privilege or answer the question unless it  
19 reaches a point -- unless the nature of the question is such  
20 that we are able to, or the parties here will be able to  
21 agree with you that it will not constitute a waiver.

22 I agree with Mr. Cole to the degree that it's just  
23 premature. This is going to be a little bit slower. But we  
24 are just going to have to take it one question at a time.

25 All right, other than that is there anything more?

1 MR. COLE: Nothing here, Your Honor.

2 JUDGE SIPPEL: All right, it's your witness then,  
3 Mr. Shook.

4 CROSS EXAMINATION

5 BY MR. SHOOK:

6 Q Mr. Parker, I see you are at the table and there  
7 is nothing in front of you, so the first thing we have to do  
8 is remedy that situation.

9 In an obtuse way I'm asking your counsel to place  
10 before you what has been marked for identification as  
11 Enforcement Bureau Exhibit No. 1.

12 A I wrote two dates on it, so apart from that it's  
13 your exhibit.

14 Q Mr. Parker, I would direct your attention  
15 initially to page 11 of the exhibit and ask whether or not  
16 you can identify the signature that appears to be there?

17 A Yes, that is my signature.

18 Q Now, I believe the copy you have in front of you  
19 has redactions on pages 1 through 6.

20 A That is correct.

21 Q Did you send an unredacted copy of this letter to  
22 Ms. Gaulke?

23 A Yes, I did.

24 Q On or about the date noted on the front of the  
25 letter?

1           A     Yes, I did.

2           Q     Did you indicate that she rely on the information  
3     in the letter?

4           A     Yes.

5           Q     Did you understand at the time you sent this  
6     letter that Ms. Gaulke would use the information to conduct  
7     a due diligence review of the status of WTVE?

8           A     That was essentially what she had communicated to  
9     me, yes.

10          Q     Was this letter prepared to assist in any  
11     valuation of WTVE?

12          A     That's a hard question for me to answer because  
13     Ms. Gaulke was -- clearly, I was attempting through this or  
14     during this period of time negotiating with her on the  
15     purchase of a minority interest in Reading Broadcasting for  
16     Telemundo. And she requested the due diligence materials  
17     outlined in the letter.

18                 But what I'm not sure whether she did that for  
19     purposes of valuation or more internal discussions with the  
20     other Telemundo management about the issues that confronted  
21     Reading Broadcasting.

22          Q     So that I understand your previous answer, when  
23     you talked about -- when you made reference to purchasing a  
24     minority interest, are you referring to Telemundo's purchase  
25     of your interest?

1           A     I believe that I was offering at the time, I would  
2     have to go back, but I believe I was offering Reading  
3     Broadcasting stock which would not have been my interest.  
4     It would have diluted my interest along with everyone else.  
5     I believe that was the case.

6           Q     And then at the end of the transaction or the  
7     possible transaction Telemundo was going to hold a minority  
8     interest in Reading?

9           A     That is correct.

10          Q     I'd like you to turn to page 9, please.

11          A     Yes.

12                JUDGE SIPPEL: Just so we are clear, you know,  
13     this document has only been identified.

14                MR. SHOOK: I understand.

15                JUDGE SIPPEL: Okay.

16                MR. SHOOK: I was going to determine whether or  
17     not to move it into evidence following the examination.

18                JUDGE SIPPEL: No, I appreciate that, but when you  
19     referred to it initially with the witness, I think you  
20     referred to it as Exhibit 1. It's only for identification.  
21     I want to be sure the witness understand that.

22                MR. SHOOK: I believe I made reference to that.

23                JUDGE SIPPEL: All right, maybe you did.

24                MR. SHOOK: So we are all clear.

25                JUDGE SIPPEL: So be it.

1 BY MR. SHOOK:

2 Q Now, I would like to direct your attention to the  
3 last full paragraph -- or excuse me -- the last paragraph.  
4 It appears on page 9 and carries over to page 10. And  
5 focusing on the information that appears in the first  
6 sentence of that paragraph, it's a rather long sentence, I  
7 will read it.

8 "In the referenced San Bernadino, California  
9 proceeding to select the licensee of a television channel  
10 which had become vacant, the FCC Review Board upheld the  
11 finding by an administrative law judge that I was an  
12 undisclosed real party in interest to the application of San  
13 Bernadino Broadcasting Limited Partnership, arising wholly  
14 from events which occurred in 1983, in 1984," and then what  
15 follows is the citation.

16 Is that sentence accurate, to the best of your  
17 knowledge?

18 A You have to look at that sentence in context with  
19 the previous paragraphs in that in this letter I was  
20 explaining to Ms. Gaulke that Mr. Shurberg had raised  
21 certain issues in the proceedings in Hartford, and that the  
22 attorneys for Mr. Shurberg were the same attorneys that  
23 represented Adams Communication, that is, Mr. Paul and his  
24 firm; and that I expected they would raise the same issues.

25 This paragraph his accurate in terms of the issue

1     that they raised as well as the preceding paragraph, and I  
2     think it goes on for additional paragraphs outlining the  
3     issues that they raised.

4             The accuracy of those is what we have been  
5     debating here back and forth, and clearly, this isn't my  
6     position. This was the position that was raised by Mr.  
7     Shurberg in Hartford and has since been raised by Adams  
8     Communications as I predicted in this letter to Ms. Gaulke.

9             Q     Let me make sure I understand something.

10            You make reference to Shurberg, and I believe the  
11     previous paragraph --

12            A     Yes.

13            Q     -- the last full paragraph that appears on page 9  
14     makes reference to Mr. Shurberg, correct?

15            A     That is correct.

16            Q     And that that paragraph sets forth Shurberg's  
17     contentions, correct?

18            A     That is correct.

19            Q     On the other hand, if I am reading the following  
20     paragraph, that doesn't make any reference to Shurberg, does  
21     it?

22            A     Well, again, I suppose if I were rewriting it for  
23     the purposes of this hearing, I would have made it more  
24     clear. But in terms of the flow of this letter, if you look  
25     at it, I outlined in the preceding paragraph the issues that

1 Shurberg had raised in general, and then went through the  
2 specifically in the last paragraph on page 9, the follow-on  
3 to that paragraph on page 10, and basically the next two  
4 paragraphs. I followed the order of the Shurberg paragraph  
5 on page 9 and going back and reviewing each in more detail.

6 But clearly, what I was trying to outline from a  
7 security standpoint you put forward your worst case  
8 scenario, that is, your obligation is to tell someone you  
9 are trying to have buy all the bad things that can go wrong.

10 Here, I was outlining what Shurberg had raised,  
11 what those issues were.

12 Now, later in the letter I did come back and say I  
13 thought there were defenses to that, but clearly here I was  
14 outlining Shurberg's position, which I predicted would be  
15 Adams' position, and I believe that that was an accurate  
16 prediction.

17 Q Well, that's very enlightening, but at the same  
18 time I believe an answer, the answer to my question really  
19 is just yes or no. And that is --

20 A Okay.

21 Q -- whether that first sentence is accurate.

22 A I'm sorry. Well, the first sentence is accurate  
23 in that's what Shurberg alleged. That is -- the answer to  
24 your question then would be yes.

25 Is that what I believe transpired? The answer

1 would be no.

2 Q Help me then. What should have been or what is  
3 the accurate -- what is an accurate way of casting this  
4 sentence then if -- if as I understand your answer that  
5 there is some inaccuracy there?

6 A Well, we have been arguing, I believe, the point  
7 of whether the review board upheld all the findings of the  
8 administrative law judge or whether he only upheld them in  
9 terms of awarding integration credit, and I think it's -- in  
10 my belief that in fact the review board only went so far as  
11 the integration credit.

12 Q So, in other words, when we look at the sentence,  
13 the part of the sentence that reads, "The FCC Review Board  
14 upheld the finding by an administrative law judge that I was  
15 an undisclosed real party in interest," if we just focused  
16 on that, are you telling me that that portion of the  
17 sentence needs to be rewritten in order to make it accurate?

18 A No. No. Again, that is clearly the position that  
19 Mr. Shurberg took. It is clearly the position that Adams  
20 Communication has taken. And in the context of the  
21 disclosure for securities purposes, it is an accurate  
22 statement.

23 Again, I would point out that in the preceding  
24 paragraph I outlined by number the issues, and then the  
25 follow-on paragraphs went through each of those in the same

1 order expanding on them. Those were the positions taken by  
2 Shurberg in Hartford. And from a securities standpoint, it  
3 would be the worst case scenarios.

4 Q Well, I want to explore that a little bit with  
5 you. As I understand it from your answer, you are pointing  
6 out that in the previous paragraph Shurberg had contended  
7 that, in 1986, you were found by an FCC administrative law  
8 judge to be an undisclosed principal.

9 A Mm-hmm.

10 Q Do you see that?

11 A I do, yes.

12 Q Now, in the next paragraph, however, you will note  
13 that Mr. Shurberg's name does not appear in the sentence,  
14 and what the letter is referring to is what the FCC Review  
15 Board did.

16 Do you see that?

17 A Well, I -- I believe it goes on. You have to read  
18 the next paragraph on the next page. It does talk about the  
19 administrative law judge's decision.

20 Q Well, let me stop you there.

21 With respect to the next sentence, which I will  
22 read, "Although I was retained only to serve as a consultant  
23 (a role which I believe I fulfilled), the administrative law  
24 judge concluded that my selection of the general partner,  
25 the applicant, recruitment of the financial interests as